

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

v.

GRISELDO ORTIZ-MONROY,

Defendant.

3:01-CR-00129-LRH-VPC

ORDER

Before the court is defendant Griseldo Ortiz-Monroy's motion for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2). ECF No. 189.<sup>1</sup> Ortiz-Monroy and the United States subsequently filed a joint stipulation in favor of a sentence reduction. ECF No. 199. Ortiz-Monroy's motion is premised on Amendment 782 to the United States Sentencing Guidelines ("the guideline(s)"), which lowers the recommended sentence for certain drug crimes and applies retroactively to previously sentenced defendants. *United States v. Navarro*, 800 F.3d 1104, 1107 (9th Cir. 2015).

The U.S. Probation Office prepared a reduction-of-sentence report, which documented numerous infractions by Ortiz-Monroy throughout his incarceration. The report concluded that he posed an increased risk to public safety and thus did not recommend a reduction to Ortiz-Monroy's original sentence.

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<sup>1</sup> This citation refers to the court's docket number.


1 In deciding whether to reduce a defendant's sentence following the U.S. Sentencing  
2 Commission's modification of a guideline range, a court must consider the factors set forth in 18  
3 U.S.C. § 3553(a). 18 U.S.C. § 3582(c)(2). Here, the parties have a "joint recommendation after  
4 having reviewed [Ortiz-Monroy's] progress reports from the Bureau of Prisons, along with other  
5 relevant records." ECF No. 199 at 4 n.1. However, the stipulation did not provide a description  
6 of disciplinary infractions, or reports or records or other factors which would justify a sentence  
7 reduction in this case. Given this history, the court suspended its consideration of the pending  
8 motion and ordered the parties to submit additional briefing in support of their joint stipulation  
9 (ECF No. 200).

10 Supplemental briefing has been presented to the court by defendant (ECF No. 201) and  
11 by the government (ECF No. 203), and the court has considered these briefings as well as all of  
12 the factors set forth in 18 U.S.C. § 3553(a). On the basis of the favorable information submitted  
13 with regard to defendant Ortiz-Monroy, the court is satisfied that good cause has been  
14 demonstrated for a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2).

15 WHEREFORE IT IS ORDERED that Ortiz-Monroy's motion for sentence reduction is  
16 GRANTED and the defendant's previously imposed sentence of imprisonment of 300 months on  
17 counts 1 through 10 of the Second Superseding Indictment in this action is reduced to 243  
18 months' imprisonment; with all other provisions of the Judgment dated August 16, 2002 (ECF  
19 No. 75) to remain in effect, including the term of supervised relief of ten (10) years.

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21 IT IS SO ORDERED.

22 DATED this 1st day of February, 2017.

23   
24 LARRY R. HICKS  
25 UNITED STATES DISTRICT JUDGE  
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